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March 1, 2024

VIA ECF

Honorable Valerie Figueredo
 United States Magistrate Judge
 Southern District of New York
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl Street
 New York, New York 10007-1312

Re: *In re Matter of the Ex Parte Application of B&C KB Holding GmbH for an Order to take Discovery Pursuant to 28 U.S.C. § 1782 from Goldberg Lindsay & Co. LLC d/b/a Lindsay Goldberg and Michael Dees, Case No. 1:22-mc-00180-LAK-VF*

Dear Judge Figueredo:

On behalf of Respondents, we write pursuant to Your Honor's Individual Practices in Civil Cases to respectfully request the redaction of references in the transcript for the February 7, 2024 hearing (ECF No. 125) to documents that were previously submitted in this matter and sealed pursuant to Your Honor's February 7, 2024 Order (ECF No. 124) (the "Previously Sealed Documents"). Respondents' proposed redactions are highlighted in the transcript attached Exhibit A to the Notice of Filing, which is submitted under seal. If Your Honor permits the redaction of references to the Previously Sealed Documents in the transcript, Respondents will promptly provide the court reporter with the proposed redactions identified in Exhibit A. If helpful to the Court, Respondents can also provide a copy of a redacted version of Exhibit A via email, copying all counsel of record.

"[T]he decision as to access is one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case." *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 599 (1978) (internal citations omitted)). In exercising that discretion, courts consider "whether good cause exists to overcome the presumption of open access to documents filed," *Geller v. Branick Int'l Realty Corp.*, 212 F.3d 734, 738 (2d Cir. 2000), and they must "balance competing considerations against" access, including but not limited to "the danger of impairing law enforcement or judicial efficiency" and "the priva[te] interest[] of those resisting disclosure," *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006) (internal quotations and citations omitted). Courts permit sealing when it "is essential to preserve higher values and is narrowly tailored to serve that interest." *Id.* (quoting *In re New York Times Co.*, 828 F.2d 110, 116 (2d Cir. 1987)).

March 1, 2024
Page 2

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In accordance with the Court's prior Order, Respondents seek to redact references to the Previously Sealed Documents, which (i) relate to an ongoing criminal investigation; (ii) contain identifying information regarding allegations made against or regarding specific individuals based in Europe in confidential and/or non-public proceedings, and therefore implicate Regulation (EU) 2016/679 (the "GDPR"); and (iii) implicate the privacy interests of third parties. *See* ECF No. 124 (Feb. 2024 Order), at 1, 4-5.

For the reasons set forth in their prior request, *see* ECF No. 117, and pursuant to the February 7, 2024 Order, Respondents request leave to redact references to the Previously Sealed Documents in the transcript for the February 7, 2024 hearing. Respondents appreciate the Court's attention to this matter.

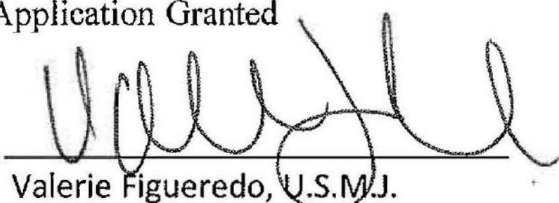
Respectfully submitted,

/s/ Eric F. Leon

Eric F. Leon
of LATHAM & WATKINS LLP

cc: All counsel of record (via ECF)

Application Granted



Valerie Figueredo, U.S.M.J.

DATED: 3-4-2024

For the reasons identified in the Court's February 7, 2024 Order (ECF No. 124), Respondents are granted leave to redact the transcript from the February 7, 2024 hearing as identified at ECF No. 133-1. Respondents are directed to provide the court reporter with the redactions proposed therein. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 132.